

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC-SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC#:  
DATE FILED: 06/17/2022

GILLIAN HARDING,

Plaintiff,

v.

THE CARLYLE HOTEL, THE  
BEMELMANS BAR, and ROSEWOOD  
HOTEL GROUP,

Defendants.

21-CV-7545 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

Plaintiff Gillian Harding filed this action on September 9, 2021. On May 6, 2022, the Court held a telephone conference during which Plaintiff's counsel advised that she was unable to contact her client. That same day, the Court ordered Plaintiff to submit a letter by May 17, 2022 advising as to whether she intends to proceed with this case and warning her that failure to do so may result in dismissal of this action for failure to prosecute.

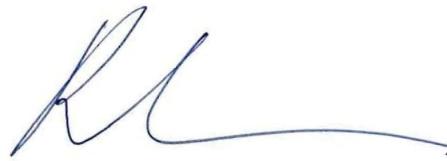
After receiving no such update, on May 18, 2022, the Court granted Plaintiff's counsel's motion to withdraw and once again ordered Plaintiff to file an update by June 1, 2022. In its Order, the Court notified Plaintiff that failure to do so would result in dismissal and ordered Plaintiff's former counsel to serve her with a copy of the Order. As of today's date, Plaintiff has not responded to the Court's May 18th Order.

Rule 41(b) of the Federal Rules of Civil Procedure provides that a district court may dismiss an action if "the plaintiff fails to prosecute or otherwise comply with [the] rules or a court order." Fed. R. Civ. P. 41(b); *see also Baptiste v. Sommers*, 768 F.3d 212, 216 (2d Cir. 2014). Under Rule 41(b), a district court may dismiss an action *sua sponte* for failure to prosecute after notifying the plaintiff. *LeSane v. Hall's Sec. Analyst, Inc.*, 239 F.3d 206, 209 (2d

Cir. 2001). Because the Court has not received any response from Plaintiff, including any indication that she plans to pursue this case, the instant action is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(b). The Clerk of Court is respectfully directed to close the case.

SO ORDERED.

Dated: June 17, 2022  
New York, New York



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Ronnie Abrams  
United States District Judge